

consideration of the proposed wrongful death and survival action settlement agreement.

The Court, having been advised by counsel for the parties that this case has settled, **ORDERS** that this action is hereby **DISMISSED** *without costs and without prejudice*. If settlement is not consummated within a reasonable time, any party may within ninety (90) days petition the Court to reopen the action and restore it to the docket, as permitted by Federal Rule of Civil Procedure 60(b)(6). Alternatively, and to the extent permitted by law, any party may within ninety (90) days petition the Court to enforce the settlement. *See Fairfax Countywide Citizens Ass'n v. Fairfax Cty., Va.*, 571 F.2d 1299 (4th Cir. 1978).

Dismissal of this case shall be *with prejudice* if no action is taken within ninety (90) days from the filing date of this order.

This order requires that the parties obtain state court approval of the settlement no less than ten (10) calendar days prior to the expiration of the ninety-day time frame set forth above. In the event additional time is required to obtain state court approval, the parties must notify the Court before the expiration of this order and seek an extension.

IT IS SO ORDERED.

Florence, South Carolina
December 29, 2015

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge